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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,625

11/13/2003

Hayo Jager

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HOFFMAN WARNICK & D'ALESSANDRO, LLC
75 STATE STREET
14TH FLOOR
ALBANY, NY 12207

EXAMINER

LAY, MICHELLE K

ART UNIT

PAPER NUMBER

2628

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,625

Applicant(s)

JAGER ET AL.

Examiner

Michelle K. Lay

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 10-19 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/01/2006 has been entered.

Response to Amendment

The amendment filed 05/01/2006 has been entered and made of record. Claims 1-3, 5-8, and 10-19 are pending. Claims 4, 9, and 20 have been cancelled.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim **15** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

dependent form, or rewrite the claim(s) in independent form. The limitations of claim 15 duplicate the newly amended limitation of independent claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims **1-3, 6, 8, 10-12, and 14-19** rejected under 35 U.S.C. 103(a) as being unpatentable over Kenyon et al. (6,604,113) in view of Tsuda et al. (6,629,090).

Kenyon teaches the limitations of claims **1-3, 6, 8, 10-12, and 14-19** with the exception of calculations being performed when nodes are in or out of focus. However, Tsuda teaches a data-analyzing device which calculates the data that is encompassed in the node.

In regards to claims **1, 10, 15, and 16**, Kenyon teaches of a method and apparatus for providing automatic generation of information portfolios for a selected entity. Fig. 9 shows a hyperbolic tree displaying a geographical hierarchy according to a particular customer portfolio. By selecting any state and moving it to the center of the display, the entities which connect to the particular state can then be better viewed [col. 8, lines 62-65]. Therefore, a node of interest in the hyperbolic tree of Kenyon may be selected, thus allowing the user to better view the entities connected to the selected node.

Tsuda teaches of a device and method for analyzing data. Fig. 23 of Tsuda shows a screen display of a regression tree diagram containing a plurality of nodes. As can be seen in the figure, each of the nodes contains information regarding an evaluated statistical-value list. The n value located in the node notified as No. 0 is calculated as the sum of the n values for node No. 1 and node No. 14. Additionally, as can be seen by the rest of the nodes containing children nodes in Fig. 23, each of the n values of the nodes are the result of the summation of the n values of their child nodes. Thus, a calculation is performed based on the n values displayed by the child nodes and the result is displayed in the parent node [col. 9, lines 17-45]. Figs. 17-23 show multiple calculations can be performed, such as average value, and standard deviation [col. 11, lines 8-14]. Additionally, each node essentially performs a different calculation, based on its location degree of interest. Fig. 23 of Tsuda shows the calculations performed by the nodes in the regression tree diagram as dependent upon their relative position in the model. As can be seen, the root node of the diagram performs a calculation based upon child node values while the calculation of values performed by a lower hierarchical node are based upon their separate corresponding child node values. Therefore, while the root node performs a first calculation, where the lower, non-root node performs a second calculation. Furthermore, the data analyzing method described in the above-explained embodiment can be realized by executing prepared programs with a computer such as a personal computer or workstation. These programs are stored in a computer-readable recording medium such as a hard disk, floppy disk, CD-ROM, MO, or DVD and then read out of the recording medium by a

computer and executed. These programs can be distributed through the above recording medium or a network as transmission media [col. 19, line 64 – col. 20, line 5]. Therefore, Tsuda teaches an image visualization system and a program product stored on a recordable medium for performing the functions of the methods in the invention as described above.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of Kenyon to include the calculations performed by Tsuda because the display of the calculations provides an efficient and accurate way to relay data information for analyzing purposes to the user rather than a visual model that only *depicts* the relationships of values with no exact values available to the user.

In regards to claims **2**, **11**, and **17**, Fig. 23 of Tsuda shows a plurality of nodes containing information regarding an evaluated statistical-value list. The nodes containing no children are all assigned values, while the nodes containing children are given values corresponding to calculations performed based on the values displayed by their child nodes. The same rationale for combining as applied to claim 1 is incorporated herein.

In regards to claims **3**, **12**, and **18**, Fig. 23 of Tsuda illustrates the calculations performed to generate the values in the nodes containing children are performed using values displayed by their child nodes in the display. Therefore, the values of the parent nodes are calculated by the values of their child nodes, which accordingly have a

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Degree of Interest level that is less than that of the parent node. The same rationale for combining as applied to claim 1 is incorporated herein.

In regards to claim **6**, the parent nodes of Fig. 23 Tsuda perform calculations based on the values displayed by their child nodes and display the result of the calculation. The same rationale for combining as applied to claim 1 is incorporated herein.

In regards to claims **8**, **14**, and **19**, the calculations performed by the nodes in the regression tree diagram in Fig. 23 of Tsuda, are dependent upon their relative position in the model. Node No. 16 is positioned so that its values correspond to the calculations performed on the values of nodes No. 17 and No. 18. Node No. 18 is positioned so that its values correspond to the calculations performed on the values of nodes No. 19 and No. 20. The same rationale for combining as applied to claim 1 is incorporated herein.

2. Claims **1**, **5**, **7**, **10**, and **13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenyon et al. (6,604,113) in view of to Lobley et al. (5,758,026).

Kenyon teaches the limitations of claims **1**, **5**, **7**, **10**, and **13** with the exception of calculations being performed when nodes are in or out of focus. However, Lobley teaches a system and method for displaying hierarchical models in decision support systems, where values are displayed within the nodes.

In regards to claims **1**, **7**, and **10**, 'Kenyon teaches of a method and apparatus for providing automatic generation of information portfolios for a selected entity. Fig. 9 shows a hyperbolic tree displaying a geographical hierarchy according to a particular customer portfolio. By selecting any state and moving it to the center of the display, the entities which connect to the particular state can then be better viewed [col. 8, lines 62-65]. Therefore, a node of interest in the hyperbolic tree of Kenyon may be selected, thus allowing the user to better view the entities connected to the selected node.

Lobley discloses a system and method for displaying hierarchical models in decision support systems. Fig. 5 shows a tree model containing a plurality of nodes representing factors in a decision model of a house purchase. As can be seen, the nodes additionally contain percentage values regarding the weight of each factor in the overall house purchase decision. The root node labeled House Purchase displays the value 100% which is a summation of the weight percentages of the grandchild nodes. Thus, Lobley teaches of displaying an information visualization model having a plurality of nodes, wherein at least one node performs a calculation based on values displayed by its grandchild nodes and displays the result of the calculation (claim **7**). Additionally, Figs. 1 and 2 of Lobley depict a block diagram and a general-purpose processor means for performing the functionality of the invention.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of Kenyon to include the calculations performed by Lobley because the display of the calculations provides an efficient and accurate way to relay data

information for analyzing purposes to the user rather than a visual model that only *depicts* the relationships of values with no exact values available to the user.

In regards to claim **5** and **13**, Kenyon teaches of a method and apparatus for providing automatic generation of information portfolios for a selected entity. Fig. 9 shows a hyperbolic tree displaying a geographical hierarchy according to a particular customer portfolio. By selecting any state and moving it to the center of the display, the entities which connect to the particular state can then be better viewed [col. 8, lines 62-65]. Therefore, a node of interest in the hyperbolic tree of Kenyon may be selected, thus allowing the user to better view the entities connected to the selected node.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday through Thursday from 7:30am to 5:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee M. Tung, can be reached at (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Michelle K. Lay
Patent Examiner
Division 2628
07.17.2006 mkl

Michelle K. Lay
PATENT EXAMINER

KEE M. TUNG
KEE M. TUNG
SUPERVISORY PATENT EXAMINER